



2424-19

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Thomsen
Serial No.: 09/381,771
Filed: September 23, 1999
Art Unit: 3676
For: FIGURATIVE PRINT ON A PLANE PRINT CARRIER
AND USE OF SUCH FIGURATIVE PRINT
Examiner: E. Peavey

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New York, NY 10017
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REPLY BRIEF UNDER RULE 193(b)

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In reply to the Examiner's Answer of March 11, 2003, the Appellant replies as follows:

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AF/3676
#16
Reply Brief
JH
5-14-03

The Rejection Under 35 U.S.C. §101

The Examiner's Answer states that the present invention is an "abstract idea". However, as stated in the present application, the problem to be solved is to make an advertisement print, which, when being viewed from a chosen oblique angle, a three-dimensional effect is perceived by a viewer.

This is achieved with an advertisement print as defined in claim 9, which appears distorted when being viewed at from a direction perpendicular to the plane of the print carrier as shown in fig. 3 of the patent application. The distortion, which results in a perfect integration of the advertisement print, is defined by two angles α and β . The perfect integration is obtained by the third dimension, which appears to be perpendicular to the plane of advertisement when seen in an oblique direction.

Several examples of this are shown on pages 1 and 2 of the attachment, wherein the three-dimensional effect, wherein the advertising images appear to be vertically oriented, is clearly seen from the photographs. However, as seen from several of the pictures in pages 1 and 2 of the attachment (these pictures are marked with asterisks), this is achieved by placing the printing on a horizontal surface so as to not interfere with the playing surfaces. Indeed, as seen in the second pair of pictures on page 2 of the attachment, the image of the "Siemens Mobile" advertisement can be made to appear vertically on a soccer field or similar playing surface, further with the appearance of the image of shadows. The angle at which these images appear is typically chosen to correspond to the view from a television camera, so that additional advertising (i.e., economic) opportunities are presented to the sports arena. This is far from an "abstract idea". Rather, the resulting 3-D affect in the advertisement print is a "useful, concrete

and tangible result”.

In the claims the invention has been defined as an advertisement print comprising two figurative elements each having a number of properties when looking at them from respectively:

- a direction perpendicular to the plane of the print carrier and
- a direction oblique to the plane of the print carrier.

Independent claim 9 of the application is parsed in the chart below so as to give the properties of each figurative element:

Figurative element 1	An advertisement print being printed on a plane print carrier, and which print is plane and lies in the same plane as the print carrier and comprises a primary figurative element depicting an advertisement in a first dimension and a second dimension,
Perpendicular view of element 1	which primary element when seen in a direction perpendicular to the plane of the print carrier constitutes an angle $\alpha+90^\circ$ between the first dimension and the second dimension,
Oblique view of element 1	and which primary figurative element when seen in a given oblique direction between a viewer and the print shows the first dimension and the second dimension as forming a plane of advertisement, which plane of advertisement is directed obliquely outwards of, preferably perpendicular to, the plane of the print carrier,
Figurative element 2	wherein the advertisement print comprises a secondary figurative element depicting the advertisement in a third dimension,
Perpendicular view of element 2	that the secondary figurative element when seen in a direction perpendicular to the plane print carrier constitutes an angle $\alpha+\beta$ between the first dimension and the third dimension and an angle $\beta+90^\circ$ between the second dimension and the third dimension
Oblique view of element 2	and which secondary figurative element when seen in the given oblique direction between the viewer and the print shows the third dimension as directed perpendicular to the plane of advertisement being formed by the first and second dimension and that the angles α , β are different from 0° .

These properties result in a product being an advertisement print, which produces the three-dimension effect which is a useful, concrete and tangible result.

The 35 U.S.C. §102(b) rejection over the Fontworks Reference

Furthermore, the Examiner's Answer states that the Appellant's Brief has failed to point out any language in the claim that would distinguish the claim from the cited reference.

Therefore, these differences are pointed out as follows:

Claim 9 recites that the figurative element when seen in an oblique direction has specific properties in combination:

"[the] primary figurative element ... shows a first dimension and the second dimension as forming a plane of advertisement", the plane of advertisement "is directed obliquely outwards of the plane of the print carrier"
and

"[the] secondary element ... shows the third dimension as directed perpendicular to the plane of advertisement"

It is the above properties in combination that provide an advertisement print having the three-dimensional effect which is a useful, concrete and tangible result. The apparatus disclosed in the Fontworks reference does not have any oblique viewing angle wherein the plane of advertisement appears to be directed obliquely outwards of the plane of the print carrier.

The Board is respectfully referred to pages 3 and 4 of the attachment hereto. Page 3 includes an image of the Fontworks Sanity font (spelling "Sanity") made in accordance with page 2 of the Fontworks reference and an image made in accordance with the present application (spelling "Paulaner" and consistent with Figure 3 of the present application). When page 3 of

the attachment is viewed at an angle consistent with that of the lower picture of page 4 of the attachment, the three-dimensional effect is immediately apparent, with the spelling of "Paulaner" appearing to rise from the sheet. In fact, the lower picture of page 4 further illustrates this three-dimensional effect. It is respectfully submitted that the Fontworks "Sanity" image has no such effect.

It is respectfully submitted that the presently claimed invention is patentable over the Fontworks reference and all other prior art.

Closing

Early consideration and allowance are respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gerald Levy", with a stylized flourish extending from the end.

Gerald Levy
Registration No. 24,419

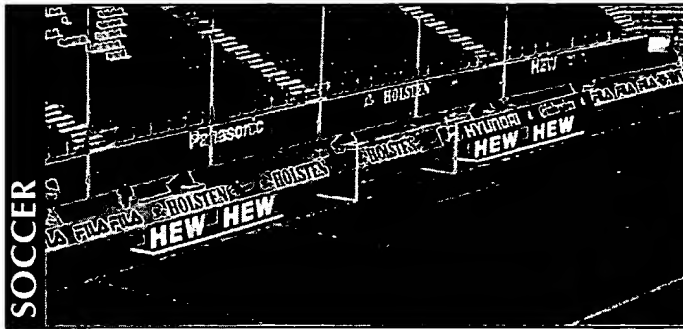
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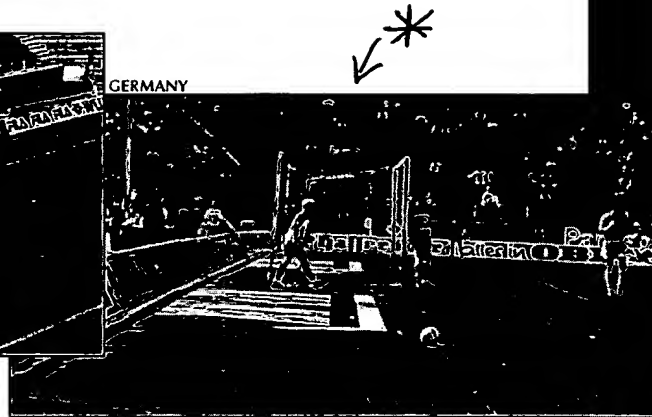
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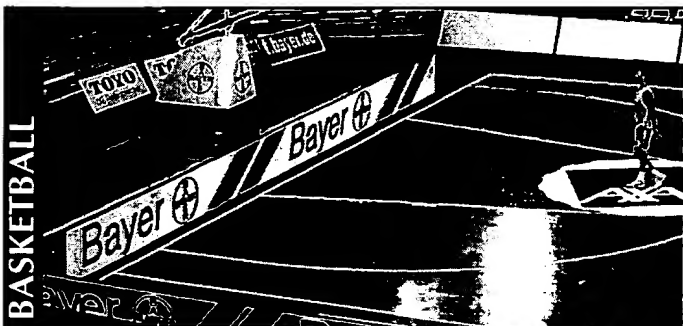
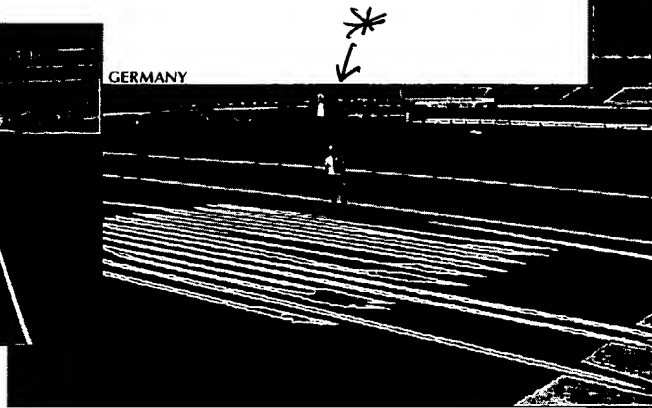
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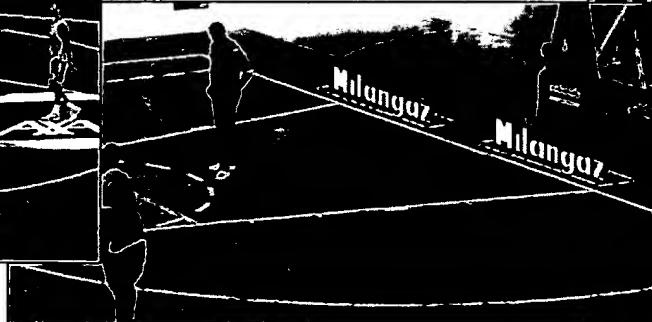
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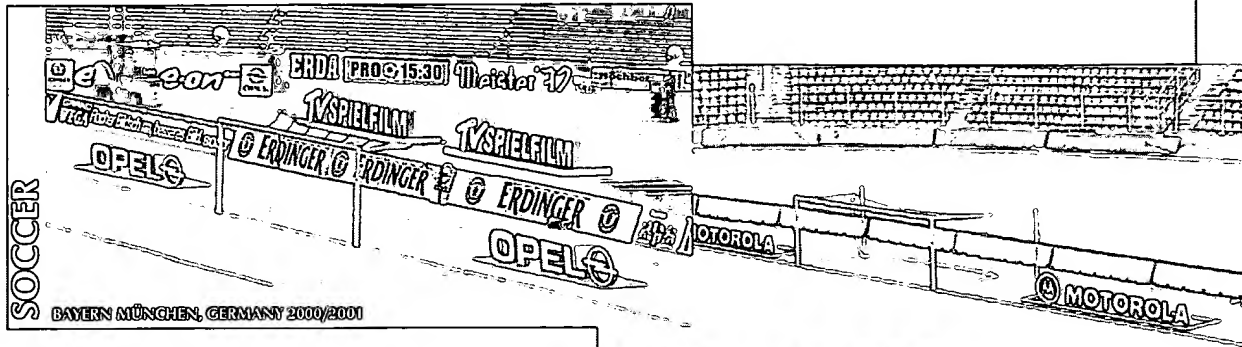


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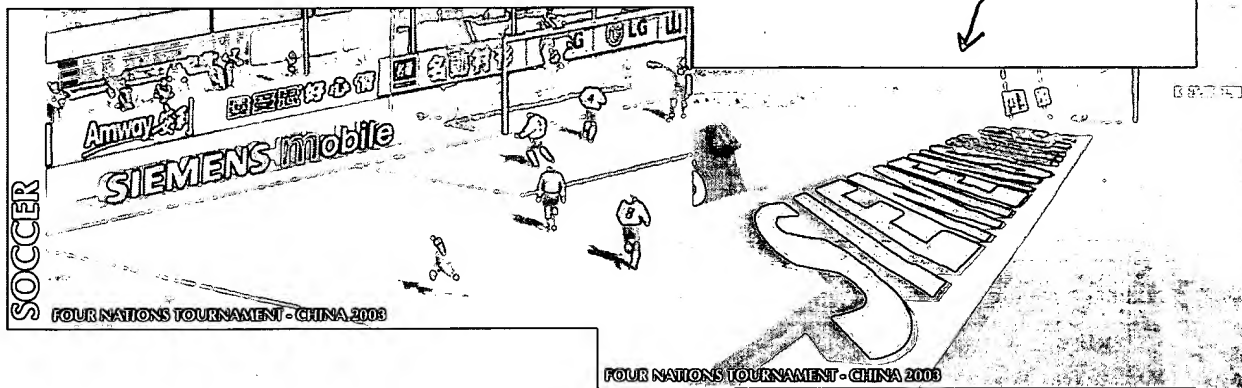
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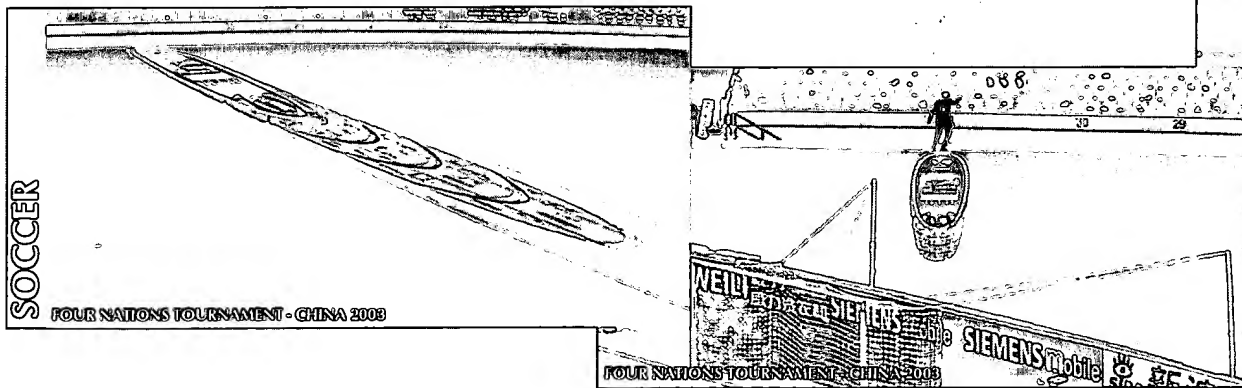
3D CamCarpets



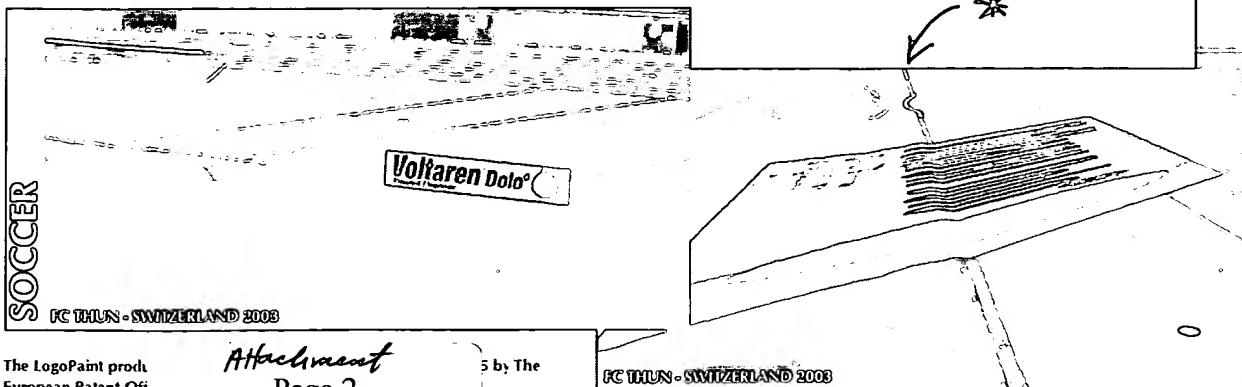
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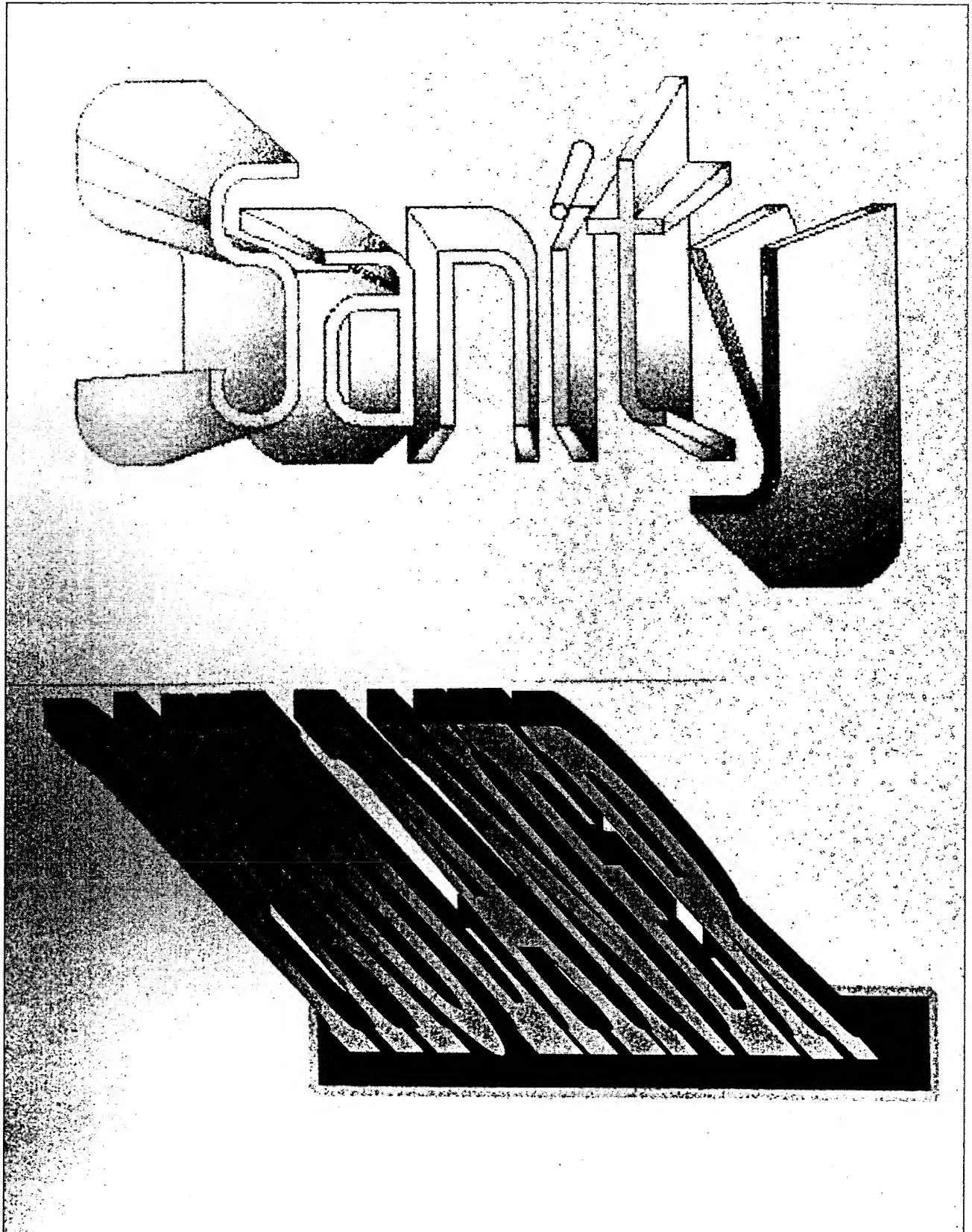


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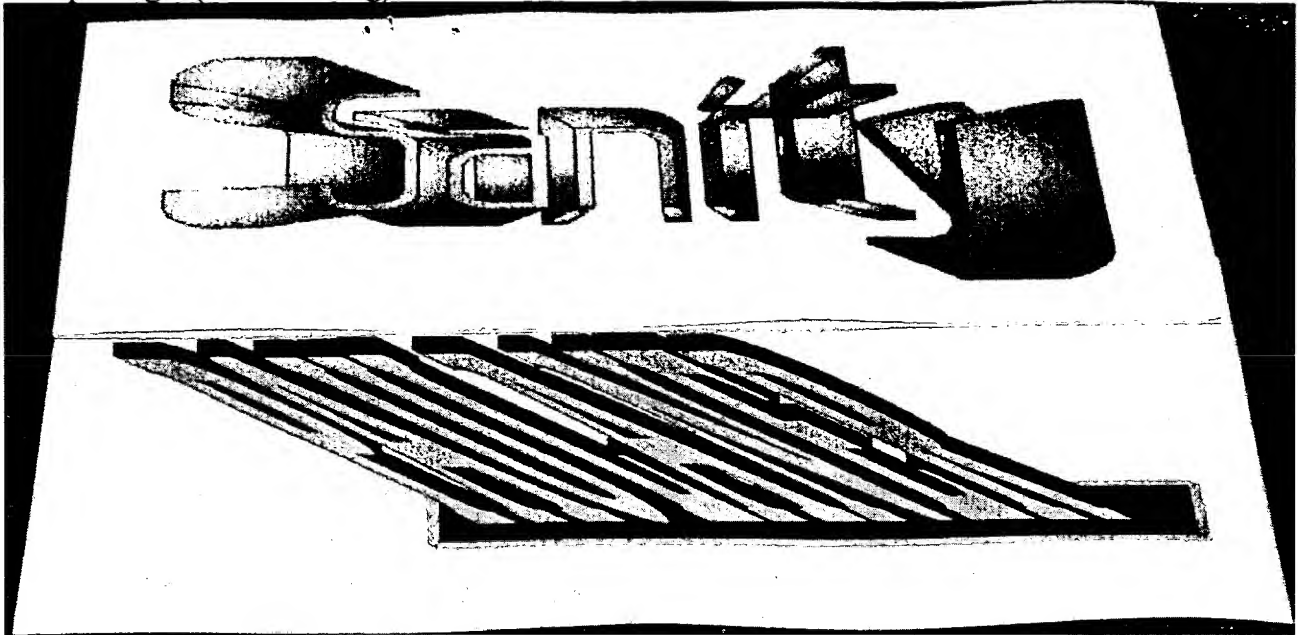


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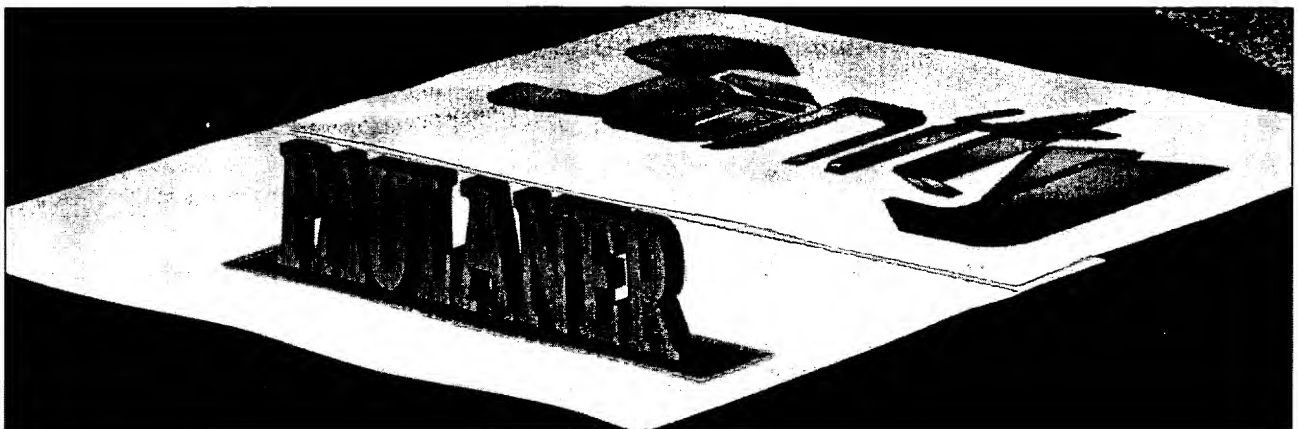
Topview (seen at right angles to the paper)



Oblique angle (non-matching):



Oblique Angle (Matching):



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